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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-363

13 SHANNON RENEE JONES  
5666 Amaya Drive, Apt. 195  
San Diego, Ca 91942

**A C C U S A T I O N**

14 Registered Nurse License No. 622863

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
21 Department of Consumer Affairs.

22 2. On or about July 29, 2003, the Board of Registered Nursing issued  
23 Registered Nurse License No. 622863 to Shannon Renee Jones (Respondent). The Registered  
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on December 31, 2008, unless renewed.

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3. This Accusation is brought before the Board of Registered Nursing  
Department of Consumer Affairs, under the authority of the following laws. All section  
to the Business and Professions Code unless otherwise indicated.

## 5

4. Section 2750 of the Business and Professions Code (Code) provides, in part, that the Board may discipline any licensee, including a licensee holding a license in inactive license, for any reason provided in Article 3 (commencing with section 2700) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against a licensee or to render a decision imposing discipline on the license. Under section 2764 of the Code, the Board may renew an expired license at any time within eight years after the expiration of the license.

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“The board may take disciplinary action against a certified or licensed nurse on application for a certificate or license for any of the following:

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“(f) Conviction of a felony or of any offense substantially related to the functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

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“In addition to other acts constituting unprofessional conduct within the meaning of the Nursing Practice Act, it is unprofessional conduct for a person licensed under the Nursing Practice Act to do any of the following:

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“(b) Use any controlled substance as defined in Division 10 (commencing with

1 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
2 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
3 injurious to himself or herself, any other person, or the public or to the extent that such use  
4 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
5 license.”

6 8. Section 490 of the Code states:

7 “A board may suspend or revoke a license on the ground that the licensee has  
8 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
9 duties of the business or profession for which the license was issued. A conviction within the  
10 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
11 contendere. Any action which a board is permitted to take following the establishment of a  
12 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
13 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
14 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
15 Penal Code.”

16 9. Section 492 of the Code states:

17 “Notwithstanding any other provision of law, successful completion of any  
18 diversion program under the Penal Code, or successful completion of an alcohol and drug  
19 problem assessment program under Article 5 (commencing with Section 23249.50) of Chapter  
20 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
21 (commencing with Section 500) of this code, or any initiative act referred to in that division,  
22 from taking disciplinary action against a licensee or from denying a license for professional  
23 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record  
24 pertaining to an arrest.”

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26 10. Section 493 of the Code states:

27 “Notwithstanding any other provision of law, in a proceeding conducted by a  
28 board within the department pursuant to law to deny an application for a license or otherwise

1 take disciplinary action against a person who holds a license, upon the ground that the applicant  
2 or the licensee has been convicted of a crime substantially related to the qualifications, functions,  
3 and duties of the licensee in question, the record of conviction of the crime shall be conclusive  
4 evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire  
5 into the circumstances surrounding the commission of the crime in order to fix the degree of  
6 discipline or to determine if the conviction is substantially related to the qualifications, functions,  
7 and duties of the licensee in question.”

8 11. California Code of Regulations, title 16, section 1444, states:

9 “A conviction or act shall be considered to be substantially related to the  
10 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
11 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
12 public health, safety, or welfare.

13 12. Section 125.3 of the Code provides, in pertinent part, that the Board may  
14 request the administrative law judge to direct a licensee found to have committed a violation or  
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
16 and enforcement of the case.

### 17 **FIRST CAUSE FOR DISCIPLINE**

#### 18 **(Conviction of a Substantially Related Crime)**

19 13. Respondent has subjected his license to disciplinary action under section  
20 2761, subdivision (f), in conjunction with section 490 as defined in California Code of  
21 Regulations, title 16, section 1444, on the grounds of unprofessional conduct in that Respondent  
22 was convicted of a substantially related crime. The circumstances are as follows:

23 A. On or about January 13, 2005, Respondent was convicted by the  
24 Court on a plea of guilty to one count of violating Vehicle Code section 23152(b), a  
25 misdemeanor, (driving under the influence) in the Superior Court of the State of California,  
26 County of San Bernardino, San Bernardino Courthouse, Case No. TWV045758, entitled *The*  
27 *People of the State of California v. Shannon Renee Jones*.  
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1 B. The circumstances surrounding the conviction are that on or about  
2 September 15, 2004, officers from the San Bernardino Sheriff's Department found Respondent  
3 passed out behind the wheel of her vehicle with the engine running. She was in a Wal-Mart  
4 parking lot located in Upland, Ca. When Respondent exited her vehicle, she lost her balance and  
5 smelled of alcohol. Respondent refused to take a sobriety test. Respondent's home revealed several  
6 guns and other weapons. Respondent resisted arrest.

7 C. On or about August 31, 2006, Respondent was convicted by the  
8 Court on a plea of no contest to one count of violating Vehicle Code section 23152(b), a  
9 misdemeanor, (driving under the influence) in the Superior Court of the State of California,  
10 County of San Diego, Central Division, Case No. M998226, entitled *The People of the State of*  
11 *California v. Shannon Renee Jones*.

12 D. The circumstances surrounding the conviction are that on or about  
13 July 20, 2006, officers from the California Highway Patrol stopped Respondent because she was  
14 driving in an erratic fashion. After she was stopped, the officers detected a strong odor of  
15 alcohol and observed that Respondent's eyes were red and watery. Respondent failed the field  
16 sobriety test administered by the officers.

## 17 SECOND CAUSE FOR DISCIPLINE

### 18 (Abuse of Alcohol)

19 14. Respondent is subject to disciplinary action under section 2762,  
20 subdivision (b) on the grounds of unprofessional conduct in that Respondent abused alcohol in a  
21 manner dangerous to herself and others as more fully set forth in paragraph 13, above.

### 22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
24 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 25 1. Revoking or suspending Registered Nurse License No. 622863, issued to  
26 Shannon Renee Jones.
- 27 2. Ordering Shannon Renee Jones to pay the Board of Registered Nursing the  
28 reasonable costs of the investigation and enforcement of this case, pursuant to Business and

1 Professions Code section 125.3;

2 3. Taking such other and further action as deemed necessary and proper.

3 DATED: 6/13/08

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Ruth Ann Terry by  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

*John*  
*Senios*